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APRIL 30, 1971

Honorable H. R. Gross
House of Representatives
Washington, D. C. 20515

Dear Mr. Gross:

The Secretary has asked that I reply to your inquiry of April 21 with regard to the continued imprisonment of Rudolf Hess.

Mr. Hess was convicted by an International Military Tribunal at Nuernberg for conspiracy to wage warfare. He was sentenced to life imprisonment and incarcerated at Spandau Prison in Berlin. Since his confinement is the joint responsibility of the Four Powers, the conditions of his confinement can only be changed with the agreement of the United Kingdom, France, the Soviet Union and the United States. The three western powers have on several occasions proposed that Mr. Hess be released on humanitarian grounds but unfortunately the Soviets have been unwilling to agree. Unless there is a change in the Soviet attitude there would appear to be no action we could now take which would result in his release.

Albert Speer was convicted of committing war crimes and crimes against humanity, due to his knowledge of the use of slave labor in the war factories under his direction. Baldur von Schirach was convicted of committing crimes against humanity based on his connection with the deportation of Jews, slave labor, and his personal knowledge of or action in other specific incidents. Both Speer and Schirach were sentenced to twenty years imprisonment; both have served their sentences to completion and have been released from Spandau. Their cases would not, therefore, appear to be useful precedents for urging leniency for Hess.

I hope this information will be helpful to you. If I can be of further assistance in this or another matter, please do not hesitate to call on me.

Sincerely yours,

David M. Abshire
Assistant Secretary for
Congressional Relations

Clearances: EUR/GER - Mr. Sutterlin
EUR - Mr. Springsteen
H -

ER/GER:HKHill:mer
4-27-71

DEPARTMENT OF STATE A/RPS/MR
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POL 27-12 GER

H. R. GROSS
5th Dist., Iowa

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ACTION
is assigned to

EA

April 21, 1971.

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ANALYSIS BRANCH

The Honorable William P. Rogers
The Secretary
Department of State
Washington, D. C.

Dear Mr. Secretary:

I would appreciate it if you would advise me in a detailed manner as to this government's position in regard to the continued imprisonment of Rudolph Hess.

Has the United States, or any of the other governments involved in his prosecution, suggested either informally or formally that he be released? Has the government of West Germany made any such suggestion?

I believe that two former prisoners at Spandau -- Albert Speer and Baldur von Schirach -- were released in 1966. Was there a similarity between their offenses and sentences and those of Hess which might constitute an argument in favor of the release of Hess?

Should it become the wish of any of the governments having jurisdiction over Hess that he be released, what are the specific procedures that would have to be followed in obtaining that release?

Thank you for your attention to this request.

Sincerely,

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H. R. Gross

HRG/dj

POL 27-12 GER

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4/23/71